

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
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www.montgomerycountymd.gov/content/council/boa/index.asp

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, July 29, 2009, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, July 15, 2009 Worksession.

Action: Approved, (SBB/WSB, 5-0).

2. **A-6274, Appeal of Robin Rice** (Department of Fire and Rescue Services – Letter dated August 18, 2008). Letter to the Board from the appellant requesting to amend the administrative appeal.

Action: Letter to be included in the record, consensus.

3. **A-6275, Petition of Brenda and Kenneth Flemmer** (two-story addition). Letter to the Board from DeVona Malcolm withdrawing the variance and requesting a refund of the filing fee.

Action: (1) Dismissed the variance as withdrawn; (2) granted a 100% (\$400.00) refund of the filing fee, (CJS/WSH, 5-0).

4. **CBA-1812, Petition of Antonio M. Santos** (private riding stable). Memorandum from Heather Gottke, Inspector, Department of Permitting Services (DPS), notifying the Board that the special exception has been abandoned and requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (DKP/CJS, 5-0).

5. **CBA-2041, Petition of Rebecca Limited Partnership** (nursing and care home). Letter to the Board from Sean Hughes, Esquire, requesting an administrative modification. [Large exhibits: title sheet, site plan, roof and equipment location plan, building elevations, equipment details].

Action: No action required by the Board as use is permitted in the zone.

6. **CBA-2364, Petition of Levitt & Sons, Inc. (Strathmore Bel Pre Recreation Association)** (community swimming pool). Letter to the Board from Arthur Meister, board member, requesting an administrative modification. [Large exhibits: existing site plan and revised site plan].

Action: Item deferred for additional information from the petitioner.

7. Pending Item. **CBA-2521-I, Petition of Montgomery General Hospital, Inc.** (hospital). Letters to the Board from Jody Kline, Esquire, requesting an administrative modification. [Large exhibits: existing conditions plan and zoning vicinity map].

Action: (1) Re-opened the record to include Mr. Kline's letters with attachments; (2) granted the administrative modification, (CJS/SBB, 5-0).

8. **S-322, Petition of Sok C. Kang and Han Y. Lee** (mini-mart). Letter to the Board from Kimberly and Jae Koo and Douglas Milton requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (DKP/WSB, 5-0).

9. Pending Item. **S-1127, Petition of Mr. and Mrs. George Buchanan** (accessory apartment). Letters to the Board from Sakhouy Lay requesting a transfer of the special exception. Item deferred to determine if the accessory apartment address is the petitioner's primary residence.

Action: (1) Granted the transfer of the special exception; (2) granted a waiver for the temporary absence, (CJS/SBB, 5-0).

10. **S-2293, Petition of D. Larue Beckley** (major home occupation). Memorandum from Barbara Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked the special exception as abandoned, (CJS/WSB, 5-0).

11. **S-2348, Petition of William and Sandra O'Keefe** (country market). Letter to the Board from the petitioner requesting that the special exception be revoked.

Action: Revoked the special exception as the use is permitted in the zone, (SBB/WSB, 5-0).

12. **S-2460, Petition of Grace House** (assisted living facility). Letter from Jody Kline, Esquire, notifying the Board of the final sign design for the special exception.

Action: Re-opened the record to include Mr. Kline's letter with attachment, (DKP/WSB, 5-0).

13. Pending Item. **S-2582, Petition of Sprint PCS/APC Realty and Equipment Company, LLC and Potomac Conference Corporation of Seventh Day Adventists** (telecommunications facility). Letters to the Board from Catherine Rodgers, Lease Accountant, requesting a transfer. Item deferred for the consent of the additional petitioners to the transfer of the special exception.

Action: Granted the transfer of the special exception, (DKP/SBB, 5-0).

DECISION ITEM:

14. Pending Item. **S-2699 and CBA-1660 [CBA-1660], Petitions of ExxonMobil Corporation** (automobile filling station). Memorandum to the Board from the Hearing Examiner. Also included are letters to the Board from Jody Kline, Esquire and the Hearing Examiner's Report and Recommendation.

Action: (1) Adopted the Hearing Examiner's Report and Recommendation as amended; (2) granted the special exception as proposed, (CJS/WSB, 5-0).

PENDING ITEMS:

15. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07 [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession [W/S 2/28/07]. Status report from Todd Brown, Esquire [W/S 10/17/07]. Re-opened the record to include the status report from Mr. Brown [W/S 4/2/08].
16. **A-6117, Appeal of Mary Hemingway and Edward Purich for Cloverly Civic Association** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 402806). Opinion and Order from the Circuit Court. (1) Re-opened the record to include the Opinion and Order from the Circuit Court; (2) action by BOA deferred until 7/6/09. [W/S 6/17/09].
17. **CBA-1456-A [CBA-1456], Petition of Lindsay Management Company** (off-street parking). Status report from David Freishtat, Esquire, and Anne Marie Vassallo, Esquire. (1) Re-opened the record to include status report from Mr. Freishtat and Ms. Vassallo; (2) Board to be provided with a status report in 60 days. [W/S 7/15/09]. Approximately September 15, 2009.
18. **S-179, David H. Shin (coffee shop)**. Letter to the Board from Sook Kim requesting a transfer of the special exception. Item deferred for additional information regarding ownership of special exception property. [W/S 6/25/08].

PENDING ITEMS (continued):

19. **S-894, Petition of Joan C. Wright** (major home occupation). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for additional information regarding the number of employees, size of the workspace, renewal period. [W/S 3/11/09].
20. **S-1495, Petition of James Phillips** (accessory apartment). Letter to the Board from Tomas Dominguez requesting a transfer of the special exception. Item deferred for signed deed from the property owners. [W/S 4/22/09].
21. **S-1791, Petition of Melissa Martell Taylor** (private educational institution). Letter to the Board from Terry Lewis requesting a transfer of the special exception. Item deferred for (1) statement of operations; (2) confirmation the special exception will be operated in conformance with the Board's Opinion; (3) confirmation of the special exception holder. [W/S 9/10/08].
22. **S-2141, Petition of Bannockburn Swim Club, Inc.** (community swimming pool). Letter from John Chadwick, Pool Board Representative-Improvements, submitting the additional information requested by the Board for an administrative modification. [Large exhibit: site plan]. Item deferred to determine if administrative modification is subject to a forest conservation requirement. [W/S 4/2/08].
23. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (telecommunications facility). Letter to the Board from Karmen Rajamani, Zoning Manager, requesting a transfer of the special exception. Item deferred for confirmation of the transfer from Southwestern Bell Mobil Systems, Inc. [W/S 4/30/08].

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